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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/288,967	04/09/1999	ANDREW J. KRASLAVSKY	36J.P207	8073

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EXAMINER

CHANG, JUNGWON

ART UNIT PAPER NUMBER

2154

DATE MAILED: 07/08/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/288,967

Applicant(s)

KRASLAVSKY, ANDREW J.

Examiner

Jungwon Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/12/99 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-16 are presented for examination.
2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 5/12/99 have been received.
3. The text of those sections of Title 35, U.S. Code not included in this office action can be found in a prior office action.
4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admission of prior art (AAPA) in view of Suzuki et al. (US 6,298,164 B1).
5. As to claims 1 and 14, AAPA discloses the invention substantially as claimed, including a method for negotiating an exchange of image processing functionality between first and second devices over a bi-directional communication link (specification, page 1, lines 21-22; page 2, lines 1-16), comprising the steps of:  
  
exchange function code descriptions between the first and second devices, the function code descriptions including information concerning functionality respectively available in the first and second devices, together with information concerning whether such functionality is exportable to other devices (specification, page 3, lines 9-16);

negotiating an assignment of image processing functionality between the first and second devices, with the overall image processing functionality effecting an efficient image transfer between the first and second devices (specification, page 3, lines 16-24); and

exchange processing functionality between the first and second devices in a case where the negotiated image processing functionality that functionality in one of the first and second devices is needed by the other of the first and second devices (specification, page 2, lines 29-35).

6. AAPA does not specifically disclose exchange program code that implements image processing functionality between the first and second devices; and the program code is executed by the other of the first and second devices.

7. However, Suzuki et al. disclose exchange program code that implements image processing functionality between the first and second devices (col. 1, lines 52-56; col. 5, lines 7-22 and 41-57); and the program code is executed by the other of the first and second devices (col. 4, lines 16-22; col. 5, lines 7-57).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of AAPA and Suzuki et al. because Suzuki et al's exchanging program code improve the integrity of AAPA's system by enabling groups of devices to communicate.

9. As to claims 2, 5-7, 12-13 and 15-16, AAPA discloses transferring image data from the first device to the second device (specification, page 2, lines 24-28); obtaining function code descriptions for functionality (specification, page 3, lines 9-16).

10. As to claims 3-4, AAPA discloses determining alternative processing sequences for image data transfer (specification, page 3, lines 8-9); applying a cost function to each alternative (specification, page 3, lines 9-13); and selecting the alternative with the lowest cost function (specification, page 3, lines 14-16).

11. As to claims 8 and 11, the rejection of claims 1 and 14 apply. In addition, AAPA discloses a network interface card for interfacing between an image processing peripheral and a local area network, the network interface card including: a network protocol stack for interfacing between the local area network and the network interface card, and device specific application layer receiving network communications directed to the peripheral device from the protocol stack (specification, page 2, lines 6-23); a negotiation controller for negotiating (JetSend negotiation) an exchange of image processing functionality between a second device on the local area network (specification, page 2, lines 29-35).

12. As to claims 9-10, AAPA does not specifically disclose a storage medium for storing computer executable processing. However, Suzuki et al. disclose a storage medium for storing computer executable processing (16, fig. 2; col. 5, lines 9-11). It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of AAPA and Suzuki et al. because Suzuki et al's storage medium would provide for fast access to the data stored, thereby saving access time.

13. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:00-5:30 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

KENNETH R. COULTER  
PRIMARY EXAMINER



Jungwon Chang  
July 1, 2002